

**239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.10013 of 2016

Date of decision: September 15, 2017

Amit Sangwan

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Namdev, Advocate for
Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Ram Tilak Redhu, DAG, Haryana.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of writ in the nature of certiorari seeking quashing of order dated 2nd December, 2015 (Annexure P-3) whereby medical reimbursement claim of the petitioner has wrongly been rejected with further direction to issue writ in the nature of mandamus to the respondents to reimburse his medical claim.

No doubt, earlier medical claim submitted by petitioner was rejected vide order dated 2nd December, 2015 (Annexure P-3) but subsequently, on reconsideration of the matter, respondents have already made the payment of a sum of Rs.68,243/- on 14th May, 2017. The bill was submitted for the reimbursement of a sum of Rs.99,973/- on 1st September, 2015. The amount appears to have been reduced to a sum of Rs.68,243/- keeping in view the instructions issued by the Government of Haryana, according to which, if an employee or retiree gets the treatment from hospital other than a recognized/notified, he is entitled to the medical

reimbursement at PGI rates plus 75% of the difference on account of other charges. Thus, as far as the reimbursement of medical bill is concerned, claim of the petitioner stands satisfied. However, there is an inordinate delay of approximately 1 ½ years in making reimbursement of the medical bill which is absolutely unexplained from the side of the State. The bill was submitted on 1st September, 2015 and it stands reimbursed to 14th May, 2017. At the most, it can be said that concerned department may take one month to consider the medical claim made by retiree or employee and after the expiry of the said period of one month, employee/retiree becomes entitled to the interest on delayed payment. There is no explanation furnished on behalf of the State of Haryana with regard to the delay in making reimbursement of the bill and petitioner becomes entitled to interest. Thus, respondents are directed to pay interest @ 9% per annum w.e.f. 1st October, 2015 till the date of actual reimbursement of the medical bill, within a period of two months from the date of receipt of certified copy of this order. However, in case of non-compliance of the order, the petitioner shall be at liberty to approach this Court for further action.

September 15, 2017*m. sharma***(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No